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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/036,039  | 10/26/2001  | Peter Bals           | 15029               | 3774             |
| 7590  | 02/23/2005  |                      | EXAMINER            |                  |
| John S. Sensny<br>Scully, Scott, Murphy & Presser<br>400 Garden City Plaza<br>Garden City, NY 11530 |             |                      | BLENMAN, AVALON     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2153                |                  |

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                     |
|------------------------------|----------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>     | <b>Applicant(s)</b> |
|                              | 10/036,039                 | BALS, PETER         |
|                              | Examiner<br>Avalon Blenman | Art Unit<br>2153    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 October 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) 4,9,14,18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Claims 1-18 are pending in this application.

### ***Claim Objections***

Claims 4, 9, 14, and 18 are objected to because of the following informalities: It is suggested applicant capitalizes "ID" to represent the acronym for identifier (lines, 3, 3, 3, and 2 respectively). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 6, 9, 10, 11, 14, 15, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Haury (US Patent 6,408,328).

In referencing to claims 1, 6, 11, and 16, Haury discloses a method of operating (fig. 12); a program storage device (inherent) with instructions to perform the methods and steps in (col. 8, lines 10-15); and a self-routing, self-defining message (fig. 1, control instructions) for use in: operating a distributed computing system (col. 8, lines 10-15) comprising: a multitude of distributed applications (arbiter), each of the applications including a procedural part for executing instructions, and a declarative part including data (col. 4, lines 45-61); the method / system / instructions / message comprising:

- (claims 1, 6, & 11) step of / means for formatting messages to include processing instructions (fig. 3, Program, col. 10, lines 29-30, fig. 2, steps 206-212); and
- (claims 1, 6, & 11) step of / means for transmitting the messages to the distributed applications, the transmitted messages causing the applications to implement the processing instructions included in the messages (col. 6, lines 15-27)
- (claim 16) a data medium tangibly embodying information, readable by the applications and transmittable over a transmission medium (fig. 1, Scratch Space) to the applications (arbiter), and identifying a plurality of fields (fig. 3, message (B)), one of the fields providing

instructions (program) for the applications to perform processing decisions

In referencing to claims 4, 9, 14, and 18, Haury discloses:

- (claims 4, 9, & 14) formatting step of / means for providing each of the messages with a processor ID field (fig. 3, Source ID) and a processor instruction field (fig. 3, Program) (col. 9, lines 53-57); and
- (claims 4, 9, & 14) formatting step of / means for including the processing instructions for the intended recipient processor in the processor instruction field (program) of the message (col. 9, lines 53-57)
- (claim 18) a second of the fields is a processor ID field (fig. 3, source ID) for receiving and holding data tangibly embodying information identifying processors that are to receive the message

In referencing to claims 5, 10, and 15, Haury discloses:

- (claims 5, 10, & 15) formatting step of / means for providing each message with a plurality of fields (fig. 3, message (B));
- (claims 5 & 15) transmitting step of, when each application receives one of the messages, the application entering into one of the fields of said one message a unique identification code (fig. 3, Confirmation Request) for the application to indicate that the message has been received by the application (col. 9, lines 62-65)
- (claim 10) application includes means for entering into one of the fields of one of the messages a unique identification code (fig. 3, Confirmation Request), when the application receives said one of the messages, to indicate that said one of the messages has been received by the application (col. 9, lines 62-65)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7 ,8, 12, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haury in view of Dinnis et al. (US Patent 5,913,922), hereafter referred to as Dinnis.

Haury teaches all the limitations claims 1, 6, 11, and 16 as set forth above. Haury does not explicitly disclose a time stamp field representing the time of *receipt* of the message. Haury neither discloses entering the time stamp in a central database accessible by other applications. Nonetheless, this feature would have been an obvious modification to the system disclosed by Haury as evidenced by Dinnis.

In analogous art, Dinnis discloses a distributed computing system (fig. 1) comprising: a multitude of distributed applications (processes) and a means for formatting and transmitting messages (via “clearing house”) to the distributed applications (col. 2, line 66 – col. 3, line 7). Examiner points out that Dennis establishes that “clearing house” is also a process/application (col. 3, lines 4-7). Dinnis further discloses:

- (claims 2, 7, & 12) the formatting step/means includes the step of providing each message with a timestamp field (col. 4, lines 6-18)
  
- (claims 2 & 12) the transmitting step includes the step of, when each application (“clearing house”) receives one of the messages,

said application entering the time of receipt of the message in the time stamp field of the message (fig. 4, steps 300-304)

- (claim 7) means for providing each message with a timestamp field; and each application ("clearing house") includes means for entering the time of receipt of one of the messages, in the time stamp field of the message, when the application receives said one of the messages (fig. 4, steps 300-304)
- (claim 17) a second of the fields is a timestamp field for receiving and holding data tangibly embodying information identifying when the message is received by one of the applications (fig. 4, steps 300-304)
- (claims 3 &13) when each application ("clearing house") receives one of the messages, said application also entering the time of receipt in a central database (circular buffer) accessible (col. 4, lines 48-51) to at lease some of the other applications (col. 4, lines 31-24, col. 5, lines 51-54)
- (claim 8) wherein each application also includes means for entering, in a central database (circular buffer) accessible to at lease some of the other applications (col. 4, lines 48-51), the time

of receipt of said one of the messages when the application receives said one of the messages (col. 4, lines 31-24, col. 5, lines 51-54)

Given these features, at the time of the invention, a person of ordinary skill in the art would have readily recognized the advantages and desirability of combining the teachings of Haury and Dennis where Haury's system in includes a time stamp field that represents the time of *receipt* of the message

The motivation for doing so would be to assist with testing, debugging, and trouble shooting (see Dinnis, col. 1, lines 41-45)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narayanan et al. (US Publication 2003/0046422) disclose a method/system for routing messages containing data and associated processing information.

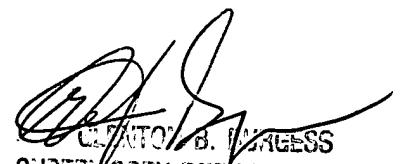
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avalon Blenman whose telephone number is (571) 272-5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even date Mons. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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